

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

In re: } Chapter 11
PURDUE PHARMA L.P., et al., } Case No. 19-23649 (RRD)
Debtors. } (Jointly Administered)

REQUEST FOR MOTION DOCKET

TO: CLERK OF THE COURT

PLEASE TAKE NOTICE, that the attached: "RULE 3003(c)(3)/F.R.Civ.P. 60(b) MOTION FOR RELIEF FROM BAR DATE ORDER" will need to be heard by the Court, with or without oral argument.

Please schedule a hearing of this Motion at the Court's earliest convenience.

Respectfully submitted this 31st day of May, 2022.

s/ Roy Murry
Roy Howard Murry, pro se
Movant/Creditor (Pers. Inj. Claimant)

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

In re: } Chapter 11
PURDUE PHARMA L.P., et al., } Case No. 19-23649 (RRD)
Debtors. } (Jointly Administered)

**RULE 3003(c)(3)/F.R.Civ.P. 60(b) MOTION FOR RELIEF
FROM BAR DATE ORDER**

1. Identity of Moving Party

COMES NOW, ROY HOWARD MURRY, pro se, seeking that the Court grant him relief from the Bar Date Order due to surprise and excusable neglect. He asks that the Court find that there is cause shown for an extension of the time within which he may file his Proof of Claim, for the reasons outlined below.

2. Applicable Rules and Authorities

Federal Rules of Bankruptcy Procedure (Bankr. Rule) 3003. Filing Proof of Claim...in Chapter 11...Cases, states:

"(c) Filing Proof of Claim.

(3) Time for Filing. The Court shall fix and for cause shown may extend the time within which proofs of claim or interest may be filed."

F.R.Civ.P. 60(b) provides:

"On motion and on just terms, the court may relieve a party or its legal representative from a final judgment, order or proceeding for the following reasons:

(1) mistake, inadvertence, surprise, or excusable neglect;"

Bank. Rule 9024. Relief from Judgment or Order:

"Rule 60 F.R.Civ.P. applies in cases under the Code" [except in three situations not appearing relevant here.]

3. Facts Relevant to Motion

This Court has issued a "Bar Date Order" requiring that all Proof of Claim forms be filed by June 30, 2020.

Mr. Murry has been incarcerated since May 30, 2015, leaving him isolated without internet access. This isolation from outside information was exacerbated by Covid related lockdowns and law library access denials beginning in March 2020. Aff. of Murry.

As a result, Mr. Murry did not learn of the Ch 11. proceeding or his status as a possible creditor, until on or about Oct. 19, 2021 when another prisoner mentioned it. After obtaining the address for Prime Clerk, LLC; Movant immediately requested Proof of Claims forms in a letter sent Oct. 21, 2021. Aff. of Murry, Ex. A.

After receiving the Proof of Claim forms, Movant immediately filled them out and attempted to return them to Prime Clerk as "Legal Mail". This was denied, so copies were sent both to the Court and Prime Clerk (as regular mail), on or about Nov. 09, 2021. Aff. of Murry, Exs. B & C.

Due the lack of availability of some information, several answers on this initial placeholder Proof of Claim were marked "will amend", indicating Movant's intent to do so.

Movant immediately began obtaining and filing medical release authorizations for various providers, as well as collecting other relevant evidence. Most of this had to be done by mail and has been slow.

Some requested medical records still have not been received. Movant was also placed under quarantine lockdowns with no legal material access and very little phone access, from Dec. 28, 2021 to Jan. 10, 2022 and Jan. 20 until March 04, 2022. Aff. of Murry.

Despite this, Movant continued to collect evidence and draft his amended claim. This will soon be submitted now that Movant's Rule 9018 Motion has been recently granted to protect confidentiality.

Recent research led Movant to learn of the necessity to actually file a motion for relief from the Bar Date Order; rather than rely on Oct 21 and Nov 09, 2021 letters describing his "surprise". Aff. of Murry, Exs. A,B,C.

4. Request and Argument for Specific Relief

For the reasons outlined above and in his Affidavit below, Mr. Murry now requests that the court find:

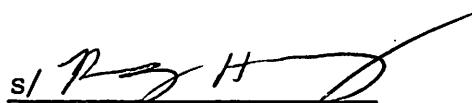
- (a) he was not reasonably able to learn of the Ch 11 proceeding until on or about Oct. 19, 2021;
- (b) that upon learning of the proceeding he acted with diligence given his living conditions and pandemic restrictions;
- (c) that due to surprise and excusable neglect, he has shown cause sufficient to justify relief by extension of the time within which proofs of claim may be filed.

5. Conclusion

Therefore, Mr. Murry asks that the Court grant relief from the Bar Date Order by extending the time to file his Proof of Claim and accept his diligently filed Proof of Claim.

DATED this 31st day of May, 2022.

Respectfully submitted:


s/ Roy H
Roy Howard Murry, pro se
Movant/Creditor(Personal Injury Claimant)

Address:
Roy Murry #396387
WB 109
Washington State Penitentiary
1313 N. 13th Ave.
Walla Walla, WA 99362

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Certificate of Service for Paper Filing

Case Caption: In re PURDUE PHARMA L.P., et al.;

SDNY BankR. Court No: 19-23649 (RRD)

I, Roy Howard Murry, certify that I served on the party listed below by US Mail, a copy of the "RULE 3003(c)(3)/F.R.Civ.P. 60(b) MOTION FOR RELIEF FROM BAR DATE ORDER" and any attachments.

s/ Roy H. Murry

Date: 31 May 2022

Roy Howard Murry, pro se
Movant/Creditor (Pers. Inj.)

Served On:

DAVIS, POLK & WARDWELL LLP
Attn: James I. McClammy
450 Lexington Avenue
New York, NY 10017

[Counsel to the Debtors
and Debtors in Possession]

AFFIDAVIT OF ROY HOWARD MURRY

In support of: RULE 3003(c)(3)/F.R.Civ.P. 60(b) MOTION FOR RELIEF FROM BAR DATE ORDER;

In re: PURDUE PHARMA L.P., et al.; Debtors; Ch. 11; Case No: 19-23649 (RDD)

I, Roy Howard Murry, declare under penalty of perjury that the following statements within this affidavit are true and correct to the best of my knowledge. Executed on this 26th day of May, 2022, at Washington State Penitentiary, in Walla Walla County, Washington:

I am presently incarcerated and have been continuously since May 30, 2015. I have no internet access or other means of learning most outside information. This has been exacerbated since the start of intermittent Covid lockdowns in Mar 2020.

As a result of this isolation, I did not learn of this Ch 11 proceeding until well after the Bar Date, on or about Oct. 19, 2021, when another prisoner happened to mention it. I immediately contacted Prime Clerk, LLC and quickly filed my initial Proof of Claim on or about Nov. 09, 2021. Exhibits: A, B, C.

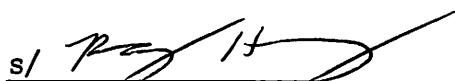
Since filing that initial placeholder Proof of Claim, I have been obtaining supporting medical record and other evidence. This has been impeded by my having placed under quarantine lockdown, resulting in total

denial of law library access, from Dec. 28, 2021 to Jan. 10, 2022 and from Jan. 20 until March 04, 2022. In spite of this, I have drafted my amended claim and collected much of the intended evidence.

Now that the Court has favorably resolved my recent Rule 9018 Motion, the amended claim will be submitted soon.

I only recently learned of the necessity of filing this motion for relief from the bar date order. Although I recognized the problem and made a point of describing why my filing was late in the Oct 19/Nov 09, 2021 letters below.

//END//

s/ 

Roy Howard Murry
Affiant

EXHIBITS "A", "B" and "C"

Exhibit "A"

October 21st 2021

Purdue Pharma Claims Processing Center
c/o Prime Clerk, LLC
Grand Central Station
PO Box 4850
New York, NY 10163-4850

To Whom It Concerns:

May I please have copies of the claim form for personal injury, general opioid, non-opioid and governmental?

Please also send me any other relevant information you can regarding this process. I just learned about it on the 19th of Oct.

Thank you in advance.

Respectfully,

Roy Howard Murry

Address:

Roy Murry #396387
WA 226
Washington State Penitentiary
1313 N. 13th Ave.
Walla Walla, WA 99362

Exhibit "A"

Exhibit "B"

November 09, 2021

United States Bankruptcy Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Attn: Clerk of the Court

RE: Personal Injury Claimant Proof of Claim Form; In re: PURDUE PHARMA L.P., et al.; Chapter 11; Case No: 19-23649.

Dear Sir or Ma'am,

Enclosed is my initial Personal Injury Claimant Proof of Claim Form in the above referenced case.

I tried to send it out yesterday to Prime Clerk, LLC as "Legal Mail" to protect Confidentiality. This was refused by the prison mailroom where I am.

Thus, I am sending it directly to the Court due to the time sensitive nature. I did not become aware of this case and how to file until mid to late October 2021, at which time I requested the relevant documents from Prime Clerk, LLC. I only received the initial packet of information and forms last week.

I may be able to eventually get approval to send filings through Prime Clerk, LLC as "Legal Mail/Confidential" in the future. For now, please accept this and file it.

Thank you in advance for your assistance.

Respectfully,

Roy Howard Murry

Address:

Roy Murry #396387
WA 226
Washington State Penitentiary
1313 N. 13th ~~St~~.
Walla Walla, WA 99362

No Phone/Email

Exhibit "B"

Exhibit "C"

November 09, 2021

Purdue Pharma Claims Processing Center
c/o Prime Clerk LLC
850 Third Avenue, Suite 412
Brooklyn, NY 11232

RE: In re: PURDUE PHARMA L.P., et al.; Cn. 11; Case No: 19-23649./Inquiry 70287.

Dear Sir or Ma'am,,

Thank you for your prompt provision of the relevant claim forms in the above referenced case.

I completed the Personal Injury Claimant Proof of Claim Form and attempted to return it to your firm as "Legal Mail" to protect confidentiality. This was refused. The WA Department of Corrections has some really creative policies and does not consider your firm to be a "legal service corporation". It appears that the only way I would be able to communicate securely with Prime Clerk, LLC is if I were able to address envelopes directly to a staff attorney. I

Is this possible?

Regardless, I sent my Personal Injury Claimant Proof of Claim Form directly to the Court in order to prevent any further delay in the initial filing date. I'm already late enough. I hope this will not cause any problems.

In the meantime, would you also please send me:

- 1) Two more copies of the Personal Injury Claimant Proof of Claim Form? (I need to begin work on amending/better supporting my claim.)
- 2) A copy of the relevant "Debtors' Schedules"? (I have no internet access.)

Thank you in advance.

Respectfully,

Roy Howard Murry

Address:

Roy Murry #396387
WA 226
Washington State Penitentiary
1313 N. 13th Ave.
Walla Walla, WA 99362

Exhibit "C"